

Issued July 26, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2457.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. P. E. Sharpless Co. Trial by the court. Finding of guilty. Fine, \$20 and costs.

MISBRANDING OF EVAPORATED MILK.

On November 4, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the P. E. Sharpless Co., a corporation, doing business at Rising Sun, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on October 31, 1911, from the State of Maryland into the State of New Jersey, of a quantity of evaporated milk which was misbranded. The product was labeled: (On tag) "For Olympia Candy Co., 771 Broad Street, Newark, N. J. Prepaid. * * * P. E. Sharpless Co. Evaporated Blended Milk. Rising Sun, Md. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 65.50 per cent; fat, 5.27 per cent; proteins, 11.82 per cent; lactose, etc., by difference, 14.91 per cent; lactose, by polariscope, 15.2 per cent; ash, 2.50 per cent; total solids, 34.50 per cent; per cent fat in solids, 15.27; ratio proteins to fat, 1:0.446. Misbranding of the product was alleged in the information for the reason that it was stated upon the tag attached to the can containing said product that it was evaporated blended milk, which said statement was false and misleading, in that the product was not evaporated blended milk, but was on the contrary merely evaporated skimmed milk. Misbranding was alleged for the further reason that the product was labeled so as to deceive

and mislead the purchaser in that it was labeled "Evaporated Blended Milk," whereas in truth and in fact it was not so, but was on the contrary evaporated skimmed milk.

On January 14, 1913, the case having come on for trial before the court without the intervention of a jury, a finding of guilty was made by the court and a fine of \$20 and costs was imposed.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 24, 1913.*

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